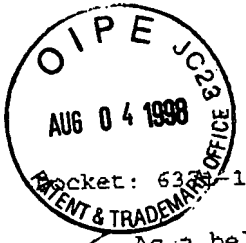


#3



DECLARATION FOR PATENT APPLICATION

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name.

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled

VENTILATION FOUNDATION FLOOD GATE

the specification of which (check one)

 is attached hereto.
 X was filed on May 15, 1998 as
Application Serial No. 09/079,611 and
was amended on (if applicable).

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to the examination of this application in accordance with Title 37, Code of Federal Regulations Section 1.56(a).

I hereby claim foreign priority benefits and U.S. provisional application benefits under Title 35, United States Code 119 of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed:

Prior Foreign or Provisional Application(s)			Priority Claimed	
<u>60/052,819</u>	<u>USA</u>	<u>10 July 1997</u>	<u>Yes</u>	<u>No</u>
(Number)	(Country)	(Day/Month/Year Filed)		
<u> </u>	<u> </u>	<u> </u>	<u>Yes</u>	<u>No</u>
(Number)	(Country)	(Day/Month/Year Filed)		
<u> </u>	<u> </u>	<u> </u>	<u>Yes</u>	<u>No</u>
(Number)	(Country)	(Day/Month/Year Filed)		

I hereby claim the benefit under Title 35, United States Code, Section 120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, Section 112, I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, Section 1.56(a) which occurred between the filing date of the prior application and the national or PCT international filing date of this application:



(Appln. Serial No.)

(Filing Date)

(Status-patent, pending, abandoned)

(Appln. Serial No.)

(Filing Date)

(Status-patent, pending, abandoned)

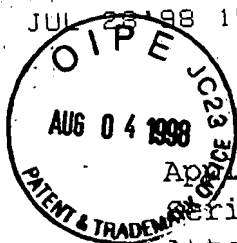
I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

I hereby appoint J. Rodman Steele, Jr., Registration No. 25,931; Gregory A. Nelson, Registration No. 30,577; Harvey D. Fried, Registration No. 28,298; Joseph W. Bain, Registration No. 34,290; Robert J. Sacco, Registration No. 35,667; and Ted W. Whitlock, Registration No. 36,965, as my attorneys with full power of substitution and revocation to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith, to amend the specification, to appeal in case of rejection, as they may deem advisable, to receive the patent when granted and generally to do all matters and things needful in the premises as fully and to all intents and purposes as I could do.

Please direct all correspondence to: Harvey D. Fried

QUARLES & BRADY
222 Lakeview Avenue - 4th Floor
P. O. Box 3188
West Palm Beach, Florida 33402-3188
Telephone: (561) 653-5000

Full name of sole or first inventor Martin J. Montgomery
Inventor's signature [Signature] Date 7-28-98
Residence Avalon, New Jersey 08202
Citizenship USA
Post Office Address 461 Old Avalon Boulevard
Avalon, New Jersey 08202

Applicant or Patentee: Martin J. Montgomery

Serial or Patent No.: _____

Attorney Docket No.: 6371-1Filed or Issued: Filed HerewithFor: VENTILATION FOUNDATION FLOOD GATE

VERIFIED STATEMENT (DECLARATION) CLAIMING SMALL ENTITY STATUS
(37 C.F.R. 1.9(f) and 1.27(c) - SMALL BUSINESS CONCERN

I hereby declare that I am

- ☐ the owner of the small business concern identified below
- ☒ an official of the small business concern empowered to act on behalf of the concern identified below:

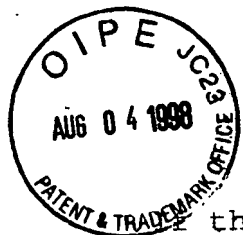
NAME OF CONCERN Smart Vent, Inc.ADDRESS OF CONCERN 2123 Dune Drive, Suite 9
Avalon, New Jersey 08202

I hereby declare that the above identified small business concern qualifies as a small business concern as defined in 13 C.F.R. 121.12, and reproduced in 37 C.F.R. 1.9(d), for purposes of paying reduced fees under section 41(a) and (b) of Title 35, United States Code, in that the number of employees of the concern, including those of its affiliates, does not exceed 500 persons. For purposes of this statement, (1) the number of employees in the business concern is the average over the previous fiscal year of the concern of the persons employed on a full-time, part-time or temporary basis during each of the pay periods of the fiscal year, and (2) concerns are affiliates of each other when either, directly or indirectly, one concern controls or has the power to control the other, or a third party or parties controls or has the power to control both.

I hereby declare that rights under contract or law have been conveyed to and remain with the small business concern identified above with regard to the invention, entitled VENTILATION FOUNDATION FLOOD GATE

by inventor Martin J. Montgomery
described in

- ☐ the specification filed herewith
- ☒ application serial no. 09/079,611,
filed May 15, 1998



[] patent no. _____
issued _____

the rights held by the above identified small business concern are not exclusive, each individual, concern or organization having rights to the invention is listed below* and no rights to the invention are held by any person, other than the inventor, who could not qualify as a small business concern under 37 C.F.R. 1.9(c) or by any concern which would not qualify as a small business concern under 37 C.F.R. 1.9(d) or a nonprofit organization under 37 C.F.R. 1.9(e). *NOTE: Separate verified statements are required from each named person, concern or organization having rights to the invention averring to their status as small entities. (37 C.F.R. 1.27)

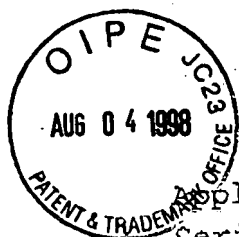
NAME W. Scott Anderson
ADDRESS P.O. Box 253, 2123 Dune Drive, Suite #9, Avalon, N.J. 08202
[] INDIVIDUAL ☒ SMALL BUSINESS CONCERN [] NONPROFIT ORGANIZATION

NAME _____
ADDRESS _____
[] INDIVIDUAL [] SMALL BUSINESS CONCERN [] NONPROFIT ORGANIZATION

I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate. (37 C.F.R. 1.28(b))

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this verified statement is directed.

NAME OF PERSON SIGNING Scott Anderson
TITLE OF PERSON OTHER THAN OWNER President SMART-VENT, Inc.
ADDRESS OF PERSON SIGNING 2123 Dune Drive, Suite 9
Avalon, New Jersey 08202
SIGNATURE [Signature] DATE 7/28/98

Applicant or Patentee: Martin J. Montgomery

Serial or Patent No.: _____

Attorney Docket No.: 6371-1Filed or Issued: Filed HerewithFor: VENTILATION FOUNDATION FLOOD GATE

**VERIFIED STATEMENT (DECLARATION) CLAIMING SMALL ENTITY STATUS
(37 C.F.R. 1.9(f) and 1.27(b)-INDEPENDENT INVENTOR**

As a below named inventor, I hereby declare that I qualify as an independent inventor as defined in 37 C.F.R. 1.9(c) for purposes of paying reduced fees under section 41(a) and (b) of Title 35, United States Code, to the Patent and Trademark Office with regard to the invention entitled

VENTILATION FOUNDATION FLOOD GATE

described in

[] the specification filed herewith

[X] application serial no. 09/079,611
filed May 15, 1998

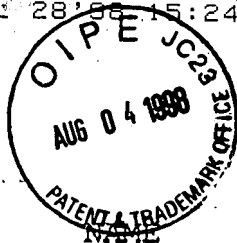
[] patent no. _____, issued _____

I have not assigned, granted conveyed or licensed and am under no obligation under contract or law to assign, grant, convey or license, any rights in the invention to any person who could not be classified as an independent invention under 37 C.F.R. 1.9(c) if that person had made the invention, or to any concern which would not qualify as a small business concern under 37 C.F.R. 1.9(d) or a nonprofit organization under 37 C.F.R. 1.9(e).

Each person, concern or organization to which I have assigned, granted, conveyed, or licensed or am under an obligation under contract or law to assign, grant, convey, or license any rights in the invention is listed below:

- [] no such person, concern, or organization
[x] persons, concerns or organizations listed below*

*NOTE: separate verified statements are required from each person, concern or organization having rights to the invention averring to their status as small entities. (37 C.F.R. 1.27)

NAME Smart Vent, Inc.ADDRESS 2123 Dune Drive, Suite 9, Avalon, New Jersey 08202

☐ INDIVIDUAL ☒ SMALL BUSINESS CONCERN ☐ NONPROFIT
ORGANIZATION

NAME _____

ADDRESS _____

☐ INDIVIDUAL ☐ SMALL BUSINESS CONCERN ☐ NONPROFIT
ORGANIZATION

I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate. (37 C.F.R. 1.28(b))

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this verified statement is directed.

Martin J. Montgomery

NAME OF INVENTOR

Martin Montgomery
Signature of Inventor7-28-98
Date